

APR 22 2004

PTO/SB/64 (11-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

*#1*  
**Docket Number (Optional)**  
**GAC-1972 DIV**

First named inventor: **HAMILTON, DAVID C.**

Application No.: **09/851,819**

Art Unit: **3732**

Filed: **05/09/2001**

Examiner: **WILSON, JOHN J.**

Title: **COMPUTERIZED SYSTEM AND METHOD FOR CORRECTING TOOTH-SIZE DISCREPANCIES**

Attention: Office of Petitions  
Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX: (703) 308-6916

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**APR 26 2004**

**OFFICE OF PETITIONS**

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1330.00 (37 CFR 1.17(m))

04/23/2004 CNGUYEN 00000071 09851819  
01 FC:1453 1330.00 DA

**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of Amendment (identify type of reply):

has been filed previously on June 24, 2003.

is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ \_\_\_\_\_.

has been paid previously on \_\_\_\_\_.

Adjustment date: 05/26/2004 REFILED  
04/23/2004 CNGUYEN 00000071 09851819  
01 FC:1453 1330.00 CR

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## 3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

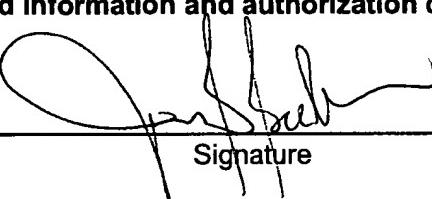
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

April 20 2004

Date



Signature

Telephone

Number: 717-849-4514James B. Bieber

Typed or printed name

DENTSPLY International Inc.

Address

570 W. College Ave., York, PA 17405

Address

Enclosures:  Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: Statement of Facts

## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

4/20/04

Date



Signature

Teresa A. Eculano

Type or printed name of person signing certificate



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APR 26 2004

PATENT  
CASE: GAC-1972 DIV

OFFICE OF PETITIONS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION: HAMILTON, DAVID C.

Serial No.: 09/851,819

Art Unit: 3732

Filed: May 9, 2001

Examiner: WILSON, JOHN J.

For: COMPUTERIZED SYSTEM AND METHOD FOR CORRECTING TOOTH-SIZE DISCREPANCIES

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

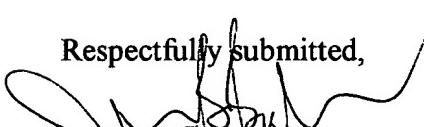
FEE LETTER

Please charge Deposit Account No. 04-0780 the amount of \$1330.00 for the Petition Fee due for submitting the Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b).

Please charge any other fee(s) due on the above captioned patent application, and/or credit any overpayment to Deposit Account No. 04-0780.

This letter is submitted herewith in triplicate.

Respectfully submitted,

  
James B. Bieber  
Patent Attorney Reg No. 28054

April 20, 2004

Address of signor:

DENTSPLY International Inc.  
570 West College Avenue  
York, PA 17405-0872  
(717) 849-4514



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APR 26 2004

OFFICE OF PETITIONS

PATENT

CASE: GAC-1972 DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION: HAMILTON, DAVID C.

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Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF U.S. PATENT APPLICATION  
STATEMENT OF FACTS

Sir,

Applicant herewith petitions for revival of the noted U.S. patent application for which a Notice of Abandonment was mailed 9/23/2003. The Notice, copy attached, stated that applicant had failed to respond to an Office Letter mailed January 24, 2003.

Applicant did in fact, timely reply to the Office Letter mailed January 24, 2003 by filing an Amendment which was received by the United States Patent and Trademark Office on June 24, 2003 as indicated on the U.S. Postal Service postcard returned to us by the U.S.P.T.O., dated stamped June 24, 2003. The reply was complete in all respects.

Applicant herewith includes a complete copy of the response, mailed by Express Mail on June 24, 2003 and received June 24, 2003 by the U.S.P.T.O. since the original was apparently lost. The applicant states that the entire delay, until filing of this Petition was unintentional in all aspects.

Applicant herewith respectfully requests that the Notice of Abandonment be withdrawn and that the present application be revived and that the enclosed Amendment be entered to continue prosecution of the application.

Respectfully submitted,

James B. Bieber  
Patent Attorney Reg. No. 28054

April 20, 2004

Address of signor:

DENTSPLY International Inc.  
570 West College Avenue  
York, PA 17405-0872  
(717) 849-4514



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APR 26 2004

OFFICE OF PETITIONS

June 24, 2003  
GAC-1972 DI

In re application: David C. Hamilton  
For: Computerized System and Method for Correcting Tooth-  
Size Discrepancies  
S/N: 09/851,819 Filing Date: May 9, 2001

1. Certificate of Mailing (1 page)
2. Extension of Time Request (1 page)
3. Amendment (8 pages)
4. Power of Attorney (1 page)
5. Revocation of Power of Attorney (1 page)

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FROM: (PLEASE PRINT)

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York, PA 17404

File: GAC-1972 DIV

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PATENT  
GAC-1972 DIV

CERTIFICATE OF MAILING

By "EXPRESS MAIL" - Label No. ER057905689US

ER057905689US

Date of mailing by EXPRESS MAIL June 24, 2003

Included in this package for Case: GAC-1972 DIV; are a post card, Certificate of Mailing, Extension of Time Request, Amendment, Power of Attorney and Revocation of Power of Attorney.

DENTSPLY INTERNATIONAL INC.  
570 West College Avenue  
York, Pennsylvania 17404

I hereby certify that this package is being deposited with the United States Postal Service "EXPRESS MAIL Post Office To Addressee" service, under 37 CFR 1.10, on the date indicated above and is addressed to Box PCT – Petition, International Preliminary Examining Authority, US Patent & Trademark Office, Washington, DC 20231.

Teresa A. Eculano  
Teresa A. Eculano  
Title: Legal Secretary